S.B. CIVIL WRIT PETITION NO.6402/2003
Prittam Kumar
vs
State of Rajasthan & Ors.

DATE OF ORDER:21.4.2006.

HON'BLE MR.R.C. GANDHI, J.

Mr.AK Rajvanshy,for the petitioner.
Mr.Rajesh Joshi]
Mr.Sandeep Bhandawat], for the respondents.

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(ORAL)

The petitioner was working in a scheme of collection of octroi. The scheme stood abolished. The petitioner thereafter was appointed vide order dated 25th Oct., 1999 alongwith others to Panchayat Samiti, Chittorgarh. On 30th April, 2001, his services were regularized by Panchayat Samiti, Chittorgarh. The petitioner challenged the order of his regularization of service by the Panchayat Samiti, Chittorgarh by means of writ petition no.262/2002 seeking a direction that his absorption in Panchayati Raj Department as Gram Sweaks-cum-Paden Sachiv should not be permanently made as he is substantive employee of local-Self-Department and should be repatriated. The petition was disposed of directing the respondents that as and when vacancy arises, the petitioner be repatriated to the Local-Self Department. The petitioner was also granted liberty to file representation for the same cause.

The petitioner has prayed in this petition that he has not been

paid salary from 1.10.2001 and seeks payment alongwith interest @ 18% per annum. He also prayed that the respondents be directed to make payment of salary month by month and compensation for lapse of the three life insurance policies, which is in consequence of non-payment of salary.

There was confusion in the pleadings and to clarify this, the concerned officer, i.e., BDO was summoned, who is present in court alongwith his counsel.

Learned counsel for the respondent no.3 has submitted that from the date of his appointment with the respondent no.3, i.e., 25th Oct., 1999, he has been paid his salary. The petitioner has not raised any grievance of payment of salary against him. The petitioner's services came to be regularized by the Panchayat Samiti, Chittorgarh vide order dated 30th April, 2001. The petitioner seeks payment of salary from 1.10.2001 and at that time, the petitioner was posted with respondent no.5.

Learned counsel for the respondent no.5 has submitted that the salary has been paid to the petitioner on 7.7.2004 and thereafter, month by month. It has also been brought to the notice of the court that the petitioner has been repatriated to the Local-Self Department. Now only dispute is with regard to the award of interest.

Learned counsel for the respondent no.5 has agreed for payment of reasonable interest equivalent to the bank rate. The respondents have defaulted in making payment of the salary in time to the petitioner. An employee is entitled to salary every month in accordance

with the rules framed and the employer is also under obligation to make payment of the salary to the employee every month. The employer has not shown any satisfactory reason for withholding the salary of the petitioner. The petitioner is, therefore, entitled to the simple interest @ 6% as agreed also by learned counsel for the respondent no.5. Accordingly, the petitioner is held entitled to the payment of 6% simple interest on the delayed payment of salary, which was paid on 7.7.2004. The interest shall be paid from Oct., 2001 to June, 2004.

Learned counsel for the petitioner has also submitted that from the date when the petitioner has been repatriated to his parent department, his salary has not been paid. The respondents are directed to release the salary, if there is no legal impediment and the petitioner has been working against the post.

The petition is therefore, disposed of in the aforesaid terms.

(R.C. Gandhi), J.

c.p.goyal/-